

**Prepared Statement of**  
**Richard Gottwald**  
**President & Chief Executive Officer**  
**The Association of Pool & Spa Professionals**  
**Before the**  
**U.S. Senate Committee on Commerce, Science, & Transportation**  
**Subcommittee on Consumer Protection, Product Safety, Insurance, and Data Security**  
**Hearing on**  
**10<sup>th</sup> Anniversary of the Virginia Graeme Baker Pool and Spa Safety Act**  
**May 24, 2017**

Thank you, Chairman Moran, Ranking Member Blumenthal, and Members of the Subcommittee for holding this important hearing. It is an honor and a privilege for me to be here before you to mark the 10<sup>th</sup> anniversary of the Virginia Graeme Baker Pool and Spa Safety Act.

My name is Richard Gottwald and I am the President and CEO of The Association of Pool & Spa Professionals. APSP is the world's oldest and largest trade association representing the entire pool and spa supply chain: From pool, hot tub and spa manufacturers, to distributors, suppliers, and retailers, as well as the building and service professionals. We develop and promote the country's national consensus standards for pools, hot tubs, and spas, and are the only pool and spa industry organization accredited by the American National Standards Institute since 1985 to do so. ANSI is a 100-year-old organization that serves as an administrator and coordinator of U.S. industry standards.

I appreciate the opportunity today to share with you how the Virginia Graeme Baker Pool and Spa Safety Act, or "VGB," has influenced the pool and spa industry, and how, 10 years later, we continue to educate and train our association and members on how to keep all pools and spas safe, including the public pools covered by the VGB Act, as well as the residential pools that were not covered by the law.

## **History: A Seismic Shift**

To say that the Virginia Graeme Baker Pool and Spa Safety Act was a seismic event in our industry is an understatement. In fact, VGB created a tsunami of safety awareness and education efforts by APSP and many others that reverberates today. Working with the family of Virginia Graeme Baker and SafeKids Worldwide, Congresswoman Debbie Wasserman Schultz first introduced the legislation in 2006. The industry immediately stated its support for mandating safety requirements in all pools and spas, and actively worked with all parties involved in this critical bill, leading to the second iteration of the bill that was signed into law on December 19, 2007.

As I mentioned earlier, APSP is the only industry organization accredited by ANSI to develop and promote the country's national consensus standards for pools, hot tubs, and spas. Compliance with our ANSI/APSP-16 Standard for Suction Fittings for Use in Swimming Pools, Wading Pools, Spas, and Hot Tubs is a requirement of the VGB. This standard was developed and continues to improve with input from the Consumer Product Safety Commission (CPSC) staff and serves as an excellent example of collaboration between industry and government to protect all pool and spa users. A 2017 successor standard is slated to be adopted by this December.

In 2006, while the VGB was being finalized, APSP published the ANSI/APSP-7 Standard for Suction Entrapment Avoidance in Swimming Pools, Wading Pools, Spas, Hot Tubs, and Catch Basins. This standard is consistent with all of the provisions in the VGB and was the first comprehensive systems approach to engineering swimming pools and spas to eliminate suction entrapment events. It protects against the three root causes of entrapments: suction, water velocity, and mechanical binding. Based on sound science and best practices, this standard is consistent with and even exceeds the requirements in the Virginia Graeme Baker Pool and Spa Safety Act, current U.S. Consumer Product Safety Commission interpretations of the VGB, and model state legislation provided within the VGB Act.

In 2009, the ANSI/APSP-7 standard was recognized by the International Code Council (ICC) in their International Building and Residential Codes (IBC and IRC) and in 2012 was referenced in the International Swimming Pool and Spa Code (ISPSC). The ISPSC is the first ever all-inclusive comprehensive national code for swimming pools and spas developed in compliance with the principles defined by the OMB Circular A119, Federal Participation in the Development and Use of Voluntary Consensus Standards and in Conformity Assessment Activities, codified by Public Law 104-113, National Technology Transfer and Advancement Act of 1995. This key ANSI/APSP safety standard provides the

ISPSC with the necessary model suction entrapment avoidance code language for national, state, and local adoption. The ANSI/APSP-7 standard has been adopted, either directly, or through the ICC Codes, in over 20 states, with numerous local adoptions where statewide adoption is not required.

The ISPSC also requires barriers for all residential pools, consistent with the VGB model state legislation language. We continue to urge all states to adopt this code to protect all swimmers in both public and residential pools and spas. The CPSC stated that the ISPSC meets all of the requirements of the model state legislation and VGB State Grant Program.

### **Safety Awareness**

The final passage of the Virginia Graeme Baker Pool & Spa Safety Act also assisted us in our efforts to communicate water safety messaging and information to our members, affiliate organizations and pool owners. Beyond the very important technical requirements that the VGB and the International Swimming Pool and Spa Code require, APSP sought a larger platform that would aim to promote safe water practices and prevent drowning and water-related injuries. Working collaboratively with the American Red Cross, the National Recreation and Park Association, and the World Waterpark Association, we launched the National Water Safety Month campaign, which is held every May. This month marks its 10<sup>th</sup> year anniversary. National Water Safety Month has gained attention from governors of all 50 states, who have signed water safety proclamations, and Olympic swimmers, who have highlighted the vital importance of public education regarding safer practices for kids and adults in and around the water. Throughout the month of May, thousands of aquatic facilities and professionals recognize this important month through educational programs, public service announcements, governmental proclamations, and distribution of water safety materials, including CPSC's Pool Safely program materials. We remain committed to working with the Pool Safely Program, and organizations like the National Drowning Prevention Alliance (NDPA), recognizing and appreciating their outreach to swimmers, especially in minority communities.

In addition, APSP created the "Check A Drain" initiative that reminds our members throughout the year, especially at key swim times, to check their customers' drains to make sure both commercial and residential pools are in compliance with VGB. Since the adoption of the VGB, the APSP has actively urged and taught builders and service professionals to contact the millions of existing pool owners to replace pre-VGB drain covers.

### **Going Beyond Public Pools & Fighting for Adoption of ISPSC**

Through our relationship with the International Code Council (ICC), our ANSI/APSP national consensus standards are incorporated into the International Swimming Pool and Spa Code (ISPSC). This first-ever comprehensive national pool and spa code was developed jointly by the APSP and ICC, with the first edition being published in March 2012. The third edition of this code is slated to be published this September. To date, this code has been or is in the process of being adopted by 22 states, 11 of which are mandatory adoptions (Louisiana, New Hampshire and Massachusetts are those states in the process of adopting before the end of the year). In addition, there are 73 local jurisdictions across the country that have adopted the ISPSC. When adopted, the International Swimming Pool and Spa Code will provide the same level of safety protection for newly installed residential pools and spas that the VGB now mandates for public pools and spas.

It is important to note that the ISPSC not only addresses suction entrapment prevention in pools and spas, but also provides barrier protection requirements in order to reduce the risk of unattended access to the pool or spa; understanding that the primary layer of protection is constant adult supervision of toddlers. Providing these pool safety requirements to prevent drownings is of utmost importance and we continue to encourage each and every state to adopt this code.

### **Conclusion**

In conclusion, on behalf of APSP and its many members, we appreciate what this subcommittee is doing to support water safety and recognize the efforts of industry, the many safety organizations and advocates who have played a significant role in reducing these tragic incidents since the inception of the Virginia Graeme Baker Pool and Spa Safety Act, understanding there is more work to be done.

We hope the subcommittee members will recognize and support statewide adoption of the International Swimming Pool and Spa Code (ISPSC) to now protect our residential pool and spa users thus finally protecting **all** our nations' swimmers. Thank you for the opportunity to testify. I would be pleased to answer your questions.